

#### **IV. REMARKS**

In the Office Action, Claims 1-3, 5-8 and 10-24 were rejected under 35 U.S.C. 102 as being anticipated by Nagendran (US 6,731,940) for reasons set forth in the Action. Claim 9 was rejected under 35 U.S.C. 103 as being unpatentable over Nagendran for reasons set forth in the Action.

The independent claims 1, 16, 22 and 24 have been amended to distinguish the claims from the teachings of the cited art, thereby to overcome the foregoing rejections and to obtain allowable subject matter in the claims. Claims 5 and 15 are amended to conform to the amendatory language of claim 1.

The independent claims, as well as their respective dependent claims are believed to be distinguishable from the teachings of Nagendran in view of the following argument, including the argument made at an interview, reported below.

The interview was conducted on October 28, 2005, by telephone, between David Warren and Examiner Samir Karovalia. Claim 1 was discussed as being representative of the independent claims in conjunction with Nagendran (the primary reference).

It was explained to the examiner that the object of the present invention is to provide for the transmission of location-based information (Specification, page 2 at lines 30-31) in accordance with the procedure set forth in the first paragraph of the Detailed Description of the Invention (beginning on page 5 at line 33). This was described briefly by noting that a person

(the sender, who generates the data message) is travelling with a wireless communication device, and comes to a location where he finds items that would be of interest to subsequent travelers, possibly relative and/or friends, colleagues, or other identifiable groups of persons. The location of the sender may be noted by a GPS in the wireless device, or by other electronic positioning technique. The sender, by use of an appropriate menu, sends the data to a storage via the wireless telephone system. The location of the sender is tagged to the data. Ethnicity or other identifier such as the initial digits of intended recipient (specification, page 6 at line 30) is also tagged to the data. Another traveler (the receiver, who consumes the data message) comes along and, at approximately the location of the sender, receives a transmission of the data via his wireless device from the telephone system.

It was pointed out to the examiner that the basic teaching of Nagendran is directed to a data base that sends out useful data to requesters of the data, wherein the data is tagged with location so as to be useful on a location basis. But Nagendran does not disclose the first part of the present invention wherein a member of the public can be the sender, and use the central data site as a means for communicating, even setting up a meeting, with a future traveler.

The examiner stated that the first aspect of the invention, namely, the activity of the sender in transmitting the data to the communication system to be stored, is not set forth adequately in the claims. In this respect, it is noted that the activity of the sender in claim 1 (a method claim) is mentioned in the preamble, but is not set forth in the listing of the method steps. Each of the independent apparatus claims 16, and

22-24, was said to make reference to a message from a sender's wireless communication device in the preamble.

However, all of the claims do specifically call out the positioning of the sender's wireless device. Thus, claim 1 recites a positioning step, and claims 16 and 22-24 recite positioning means that are operative to determine the position of the sender's wireless device. Thus it may be argued that the claims do describe activity related to the sender. Nevertheless, in the interview, the examiner cited the same passages from Nagendran, as set forth in the prior Office Action, to show anticipation of the sender's function in the practice of the invention.

In the present Office Action, the last three lines of Page 3 and the first three lines of Page 4 make statements as to the sender's transmission and positioning step by citation of most of Column 3 of Nagendran. However, the cited passage deals with transmission of a request from the user (not the sender) and the electrical implementation of apparatus useful in determining position of a vehicle (intended for the vehicle of the receiver/user of the data, and not a sender's vehicle).

It was explained to the examiner that, in Nagendran, the obtaining of information for dissemination to the public is accomplished by persons who are employees of the wireless system. It was argued, on behalf of the Applicant that there is no suggestion in Nagendran of receipt of data from members (senders) of the public, who are driving vehicles, which information is to be transmitted later to other members (users/recipients) of the public.

It was pointed out to the examiner that the invention relates to a wireless communication system arranging for storage of messages from various members of the public (the senders) for later communication of the messages to other members of the public (the receivers) subject to certain criteria (such as location of the receiver). The examiner stated that if the claims were amended to clarify this role of the sender in the invention, then the claims would be distinguishable over Nagendran.

The examiner stated that he noted allowable subject matter in the specification. With respect to the last step in claim 1, the presentation step, the addition of a limitation, for determining if there is a request for a reply (specification on page 8 at lines 8-28), would make the claim patentable because this limitation is not disclosed in Nagendran.

Reference is made also to the arguments presented in the previous response for distinguishing the teachings of the present invention from the teachings of Nagendran.

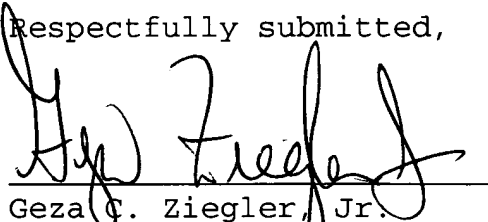
In view of the points raised in the argument of the prior response, plus the comments made by the examiner in the interview, the independent claims 1, 16, 22 and 24 are amended to emphasize the role played by the sender of the data to the communication system which is then able to disseminate the data to the desired class of recipients. The role of the sender is not addressed by Nagendran. In claim 23, the prior wording of the claim is believed to set forth the role of the sender without further amendment. Thus, this response is believed to overcome the rejections raised against the present claims so

that the independent claims and their respective dependent claims should be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1810.00 is enclosed for the three-month extension of time and RCE fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

8 Dec 2005  
Date

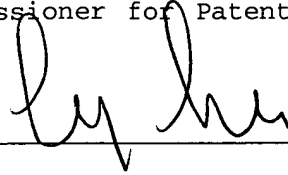
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